

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1075

**Introduced by Committee on Agriculture (Matthews (Chair),
Maldonado (Vice Chair), Berg, Cogdill, Maddox, Maze,
Oropeza, Parra, Reyes, Salinas, Vargas, and Wiggins)**

February 20, 2003

An act to add Section 6723.5 to the Food and Agricultural Code,
relating to nursery stock.

LEGISLATIVE COUNSEL'S DIGEST

AB 1075, as amended, Committee on Agriculture. Nursery stock:
~~licenses and certificates pest control.~~

*Existing law makes it unlawful for any person to willfully import into,
or ship or transport within, the state any live insect or any pest, except
by written permit by the director of the United States Department of
Agriculture, except as specified.*

*This bill would make various findings and declarations with respect
to the shipment of exotic pest species into California by out-of-state
shippers and would state the intent of the Legislature to (1) ensure that
companies shipping plants and plant products and other material that
may harbor exotic pests into this state do everything possible to prevent
the introduction of pests into California, and (2) to prevent out-of-state
shippers of agricultural products from placing themselves at an unfair
advantage over California companies through shipping practices
designed to skirt California laws.*

~~Existing law requires nursery stock sellers to be licensed by the
Department of Food and Agriculture. Existing law requires the~~

~~Secretary of Food and Agriculture to establish the minimum license fee, as specified, and also requires, as an additional license fee, an acreage fee, as specified. Existing law provides an exception to the application of the acreage fee for nursery stock licensees whose gross income from the production of cut flowers and cut ornamentals is 75% or greater of the gross income of the licensee's nursery. Existing law also requires the use of a nursery stock certificate, under specified conditions, in connection with the sale, delivery, or transport of nursery stock.~~

~~This bill would provide that a licensee who is exempt from the application of the acreage fee component of the license fee for the nursery stock license would not be precluded from obtaining and using a nursery stock certificate.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 6723.5 is added to the Food and~~
2 *SECTION 1. (a) The Legislature finds and declares the*
3 *following:*
4 *(1) The introduction of exotic pest species into California*
5 *continues to place the state at risk of infestation from these species*
6 *that may cause irreparable harm to the state's agricultural*
7 *industry.*
8 *(2) That certain out-of-state shippers of plant material are*
9 *taking advantage of existing shipping laws and regulations*
10 *intended to facilitate trade with other states while minimizing the*
11 *risk to California from the potential of exotic pest introductions.*
12 *(3) That by taking advantage of existing laws and regulations,*
13 *these out-of-state shippers also take unfair advantage of reputable*
14 *California companies that depend upon the availability of pest free*
15 *plant material to maintain and promote their businesses within the*
16 *state.*
17 *(b) It is the intent of the Legislature to ensure that companies*
18 *shipping plants and plant products and other material that may*
19 *harbor exotic pests into this state do everything possible to prevent*
20 *the introduction of pests into California.*
21 *(c) It is also the intent of the Legislature to prevent out-of-state*
22 *shippers of agricultural products from placing themselves at an*

1 *unfair advantage over California companies through shipping*
2 *practices designed to skirt California laws.*

3 ~~Agricultural Code, to read:~~

4 ~~6723.5. Licensees who are exempt from the application of the~~
5 ~~acreage fee imposed by Section 6723, because their gross income~~
6 ~~from the production of cut flowers and cut ornamentals is 75~~
7 ~~percent or greater of the gross income of their nursery, shall not,~~
8 ~~because of that exemption, be precluded from obtaining and using~~
9 ~~nursery stock certificates.~~

